

Sec. 2-8-33. - Forest Creek Community Development District.

(a) Establishment. There is hereby established the Forest Creek Community Development District which shall be governed by the uniform community development district charter as set forth in Sections 190.006—190.041, Florida Statutes, to perform the functions contained in the petition attached to Ord. No. 05-24 as Exhibit "A".

(b) Boundaries. The boundaries of the district are those described in the metes and bounds description attached to Ord. No. 06-65 as Exhibit "B".

(c) Initial board of supervisors. The following five (5) persons are designated as the initial members of the board of supervisors for the district: Dale E. Weidemiller, James R. Schier, Karen L. Byrnes, Michelle E. Gray, and Priscilla Heim.

(d) Charter. The district shall be governed by the provisions of Chapter 190, Florida Statutes, specifically the uniform general law in Sections 190.006—190.041, Florida Statutes, as amended. The district shall have, and the district board of supervisors may exercise, subject to the regulatory jurisdiction and permitting authority of all applicable governmental bodies, agencies, and special districts having authority with respect to any area included in the petition and Chapter 190, Florida Statutes, any or all of the special powers set forth in Section 190.012(1), Florida Statutes. The exercise by the district board of supervisors of the special powers specified in Section 190.012(2), Florida Statutes, shall require the consent of the county.

(e) County comprehensive plan and county land development code compliance. The district shall be governed by the development standards of the Manatee County Comprehensive Plan and the Manatee County Land Development Code on its construction projects in the same manner as if it were a private developer. The district will be required to obtain all necessary federal, state, and local permits, including but not limited to site plan approval and building permits, for any construction it undertakes. All infrastructure shall conform to Manatee County standards.

(f) County rights of termination, contraction, expansion, and limitation. All rights of Manatee County to terminate, contract, expand, or otherwise limit or affect the district as set forth in Section 190.046, Florida Statutes, are hereby specifically reserved.

(g) Consent to exercise of certain special powers. Pursuant to Section 190.012(2), Florida Statutes (2005), the county hereby consents to the exercise by Forest Creek Community Development District of the additional special powers listed in Section 190.012(2)(a) and (d), Florida Statutes (2005). More specifically, the district shall have, and the district board may exercise, so long as it is in compliance with and subject to the Manatee County Comprehensive Plan and the Manatee County Land Development Code, and subject to the regulatory jurisdiction and permitting authority of all applicable governmental bodies, agencies, and special districts having authority with respect to any area included in the district, the power to

plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate, and maintain additional systems and facilities for:

- (1) Parks and facilities for indoor and outdoor recreational, cultural, and educational uses; and
- (2) Security, including, but not limited to, guardhouses, fences and gates, electronic intrusion-detection systems, and patrol cars, when authorized by the Manatee County Sheriff's Department or other proper governmental agencies; except that the district may not exercise any police power, but may contract with appropriate local general-purpose government agencies for an increased level of such services within the district boundaries; and provided, however, that nothing herein shall be construed to provide the district powers inconsistent with any Florida law relating to obstruction of public streets, highways, roads and rights-of-way within the district boundaries.

Such special powers are in addition to the powers provided in subsection (f).

(h) Conditions for the exercise of special powers. Subject to availability, the district and all residences, institutions, businesses, parks and recreational facilities, governmental facilities, and other uses within the district shall utilize public potable water and wastewater facilities owned and/or operated by the county for the provision of all potable water and wastewater services to the district in accordance with the policies of the county with respect to the operation of the utility systems. In the exercise of the special powers for parks and recreational facilities, the district shall provide systems and facilities exceeding the level of service typically provided by the county. All parks and recreational facilities owned, acquired, established, constructed or reconstructed, enlarged or extended, equipped, operated, maintained or repaired by the district or with district funds shall be open to the public. Pursuant to Chapter 190, Florida Statutes (2005), law enforcement services for the district shall be provided by the Manatee County Sheriff's Department. As used in this section, the term "public street, highway, road or right-of-way" shall mean any street, highway, road or right-of-way which is financed with tax-exempt bonds or other instruments, which is deeded, granted, conveyed or dedicated to the district, to any other governmental entity or to the public, or which is owned, acquired, established, constructed or reconstructed, enlarged or extended, equipped, operated, maintained or repaired by the district, by any other governmental entity or with public funds. In the exercise by the district of the special powers relating to security systems and facilities, no guardhouse, fence or gate shall be constructed, installed, placed, located, maintained or operated on, in or across any public street, highway, road or right-of-way, unless:

- (1) An acceptable public access protocol is adopted as an administrative rule pursuant to Chapter 120, Florida Statutes;
- (2) The rule includes a requirement that public access will be permanently available on a continuous 24-hour/7-days-a-week basis on all roads that connect to other public roads; and

(3) The district provides satisfactory evidence that the appropriate law enforcement agency, fire and rescue service, and emergency medical service have authorized the proposed gates, fences and guardhouses.

(i) Exercise of power. The exercise by the district board of supervisors of the special powers specified in Section 190.012(2), Florida Statutes, within the areas of land described in Exhibit "C", attached to Ord. No. 06-65, shall require the consent of the Manatee County Board of County Commissioners.

(Ord. No. 05-24, §§ 3—8, 3-1-05; Ord. No. 06-62, §§ 3, 4, 9-7-06; Ord. No. 06-65, § 5, 9-7-06)